

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AV2,

*Plaintiff,*

v.

CIVIL ACTION  
NO. 22-369

DENIS RICHARD MCDONOUGH  
Secretary of Veterans Affairs

MONIQUE SMART  
Staff Attorney, Department of Veterans  
Affairs

LLOYD J. Austin, III  
Secretary of Defense

UNITED STATES COURT OF APPEALS  
FOR THE ARMED FORCES

ARMY COURT OF CRIMINAL APPEALS

JOHN HARPER COOK  
Colonel, U.S. Army  
(In his Capacity as a Military Judge)

CLINTON M. MURRAY  
Master Sergeant, U.S. Army  
(As Indispensable Party),

*Defendants.*

PAPPERT, J.

April 20, 2022

**ORDER**

**AND NOW**, this 20th day of April 2022, upon consideration of Defendants' Motion to Dismiss (ECF 11) and Plaintiff's Response (ECF 17), and after holding oral argument (ECF 18), it is hereby **ORDERED** that:

1. The Motion is **GRANTED**. AV2's claims are **DISMISSED** with prejudice.

2. AV2's Motions for Temporary Restraining Order (ECF 7) and Preliminary Injunction (ECF 10) are **DENIED** as moot.

The Clerk of Court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.